

## HEINZE OUSTS HIS BOARD

UNITED COPPER BOOKS MAY HAVE GONE TO EUROPE.

Baglin Let Out of Jail on the Theory That He Can Never Get Them, and the United States Pretty Well Obstructed Up to Date in Its Pursuit of Them.

All of the directors of F. A. Heinze's United Copper Company, who were directed last week by Judge Lacombe to produce the missing books of that corporation or show good cause why they shouldn't be jailed for contempt, were ousted at the annual meeting of the company held by eight or ten stockholders and a few outsiders yesterday afternoon at the offices of the Hudson Trust Company in Hoboken.

The only directors reelected were F. A. Heinze and Stanley Gifford. Mr. Heinze has not been called upon in his capacity as a director to produce the missing books because as he is the defendant under indictment such service to the State would give him a chance to claim immunity. Gifford, who is secretary of the company, sailed for Europe suddenly last Saturday.

The old directors were to have met yesterday pursuant to a resolution adopted when they were called upon to produce the books last week, but this meeting was adjourned until this afternoon. In the meantime they have lost their jobs unless yesterday's meeting is declared illegal, as some of the minority stockholders say it will be.

Heinze wasn't at the meeting, nor was there a single officer there. Eight or ten stockholders, a few lawyers, most of them beardless, two or three office boys and a score of reporters held the meeting in a small room, with much laughter. Richard R. Kilroy, one of Heinze's Butte, Mont., friends and editor of a paper there, voted 24,000 common shares, more than a majority of the common stock outstanding, and that was held to be sufficient to put through Heinze's election of a new board that could ignore the removal of the books wanted. The protest made by a few small minority stockholders was that a majority of both common and preferred stock should be represented in order to make the meeting legal, but they had small chance to talk.

There was a report that when the new board meets it will appoint F. A. Heinze sole custodian of the company's books in order to complicate further the Government's problem of getting the books without giving Heinze immunity. So far as could be learned yesterday the Government hadn't succeeded in getting any trace of the missing accounts.

When the meeting hour came—3 o'clock—there were present in the little room Hoboken McGarrett, whose firm is co-counsel for the company in New Jersey; Charles A. Saake, a clerk in the company's office; a girl stenographer and a bunch of reporters. There arrived presently a few small stockholders who live near by and thought that they might as well drop in. Edward T. Rice, a lawyer who had some preferred stock; John A. Schleicher, who said that he was both a stockholder and a lawyer representing some creditors of Heinze & Co.; they sat and looked on one another for a while. One of them, J. B. English and Isaac Levy, youthful lawyers, arrived. They apparently were there representing Heinze. With them was Kilroy with his proxies.

Mr. Rice asked if there was an officer of the company present, but there was no response.

"Where are the books of the company?" asked one of the small stockholders.

"In the Tombs," came from another. Mr. English said he had sent downstairs to the trust company for a list of stockholders and the by-laws. One of the small stockholders wanted to know if inspectors of elections weren't necessary at annual meetings of corporations, and if so who were the inspectors.

"One of them has skipped to Canada and the other's resigned," shouted some one in the crowd, and after the laughter there was a long pause, after which Mr. Levy moved that the meeting be adjourned.

"But how are we going to adjourn when we haven't met?" asked Mr. Rice. Nobody seemed to know. The stock transfer books were brought in and then Mr. English suggested that Levy be made chairman. This was protested on the ground that he wasn't a stockholder. When an attempt was made to take a vote there was great confusion. Then up spoke Henry Movius, the holder of a hundred shares.

"There is nothing here to say," he said, speaking with a German accent, "who is a stockholder and who is not, and the same goes for the by-laws."

"The secretary of this company present to announce the amount of stock represented?" asked Mr. Rice.

"The secretary of this company is not present," replied Mr. English. Saake, the clerk, was finally selected as chairman and the amount of stock represented was called for. Then Editor Kilroy disclosed the fact that he had 240,000 shares or proxies concealed about his person, though none of the uninitiated had up to that time suspected it. The other stockholders who spoke up had only small holdings. It turned out that there were 211,000 shares of the \$50,000 common and 12,000 shares of the \$50,000 preferred. The minority stockholders said that as this wasn't a majority of both the meeting was not legal, but Editor Kilroy knew better and moved that the nominations be proceeded with. There were the directors then named: F. A. Heinze, Stanley Gifford and W. H. Joyce of New York; David Michaeljohn and Richard R. Kilroy of Butte, L. A. Dunham of Salt Lake and George Lane and W. P. Kelly of Montreal.

"I protest," said Henry Movius as these names were read out.

"Sit down!" shouted the chairman. But Movius wouldn't sit down and went on to point out that not one of the men was a resident of New Jersey as required by the law. At that L. V. Wyckoff of Newark was put in place of Mr. Kelly. After 8 o'clock then. The polls were open an hour and Editor Kilroy was the first to vote. At 8:30 the new board

was declared elected, but only a few of the principals had stayed.

"This election is farcical and illegal and will never stand," said Mr. Rice as he departed.

Through the filing of the minutes of the Federal Grand Jury which is looking into the disappearance of the books yesterday it was shown that District Attorney Wise had intimated that the departure of Secretary Gifford for Europe three days after the books had disappeared might explain why they couldn't be found.

Further color was lent to the European theory of their whereabouts when Mr. Wise went before Judge Lacombe yesterday afternoon and consented to the release of Vice-President Baglin from the Tombs, where he was sent on Tuesday for contempt. Baglin's counsel, Herbert C. Smythe, had informed the Court that Baglin was about to be ousted as a director and was therefore not in a position to produce the books, which was the condition Judge Lacombe had imposed for his release. Baglin was let go with the understanding that he wasn't to leave town without the consent of the District Attorney.

Sanford Robinson, who came near going with Baglin to the Tombs on Tuesday and who was likewise ousted at the meeting, said he no longer is an officer of the company, will have to wait until to-morrow before his case is decided. Judge Lacombe told Robinson yesterday that he couldn't bring himself to believe that a member of the bar of his standing would persist in such a course as he had taken. Through his counsel Robinson pleaded for time to consult "eminent legal talent," because, he said, he realized that he was in a serious position.

It was then that the minutes of the Grand Jury were spread on the record. These showed that Robinson had testified last Friday that he had never seen the books, didn't know where they were and didn't know where to go to get them.

"Do you mean to say that you are counsel to Heinze and don't know where they are?" he was asked, to which he replied: "Mr. Heinze has sealed my lips on that."

Then Mr. Wise asked Robinson if he meant to contend that a director could assert his privilege as a lawyer as to what he knew as a director. Mr. Robinson quoted the decision in the Cravath case in the State court in support of this. As a director he didn't know where the books were and what he knew as a lawyer he wasn't telling.

It turned out from inspection of the minutes that Baglin had testified that the trunk supposed to have contained the missing books was taken from the offices on May 19 by C. A. Geer, a clerk in A. P. Heinze's office.

A. P. Heinze told me to speak to the janitor about taking out the trunk, and I did so," Baglin testified. He said that he hadn't asked any questions, because he didn't want to get mixed up in it.

"I did ask Geer what the trunk contained, but he didn't give me any information," he added.

"Did Gifford take those trunks to Europe?" Mr. Wise asked then, to which Baglin replied that he didn't know. Mr. Wise also asked if Tracy Buckingham, the transfer clerk, had taken them to Canada, but again Baglin said that he didn't know. He said that A. P. Heinze, Buckingham and Geer had been left alone in the office that Wednesday night and that he had a strong idea that the books were put into one of the trunks. When he asked Robinson for the books after getting the subpoena following this Robinson, he testified, said: "The books are in the possession of F. A. Heinze."

It was learned from Albany yesterday that A. P. Heinze is not registered there as a lawyer, as the law now requires. Mr. Robinson refused to disclose his conversation with A. P. Heinze regarding the books for the reason that, as he put it, Mr. Heinze was a member of the bar and he considered him counsel for the company.

A. P. HEINZE SICK BED.

Has Heart Disease, They Say at His Home, and Painted at the Theatre.

Arthur P. Heinze is reported to be seriously ill at his home, 220 Madison avenue. It is stated at his house that he was a member of a box party at the Belasco Theatre a week ago Saturday night and as he left the box in the intermission between the first and the second acts he fainted. A physician was called and it was ten minutes before Mr. Heinze recovered consciousness. He then was removed to his home and since has been confined to his bed. He made one attempt to get on his feet, which resulted in a fall from the floor. Mr. Heinze, it is stated, is suffering from heart trouble and had been in poor health for a month or more before the incident in the theatre.

BREWERS BECOMING ALARMED.

The Menace of Prohibition Their Chief Matter of Concern.

ATLANTIC CITY, N. J., June 2.—The brewers in national convention here are directing their attention chiefly to halting the anti-saloon movement. Delegates openly declare their belief that the very life of the business is threatened by the White Ribbon forces.

Throughout the public sessions to-day and to-night the possibilities of educating the public to believe that decent saloons are not detrimental were discussed, while in secret conferences the deeper questions of necessity are being considered with the greatest care.

While officers and delegates discuss in open meetings the need of brewers directing the public into the channel of saloon reform the leading men of the organization are considering in secret the much deeper problem of riding the saloon keepers of the head of political domination.

As a result of the conferences there is a belief that the brewers may start a movement, backed by a share of their millions, first, to force the saloons under their control to cut loose from the political powers in their communities and then make direct appeal to the people for support that can be withdrawn when the saloon becomes objectionable.

Another question which has been a subject of much argument in the secret conferences is the wisdom of calling a halt on all movement toward securing more liberal laws in States or communities where licenses are still granted. Many leading delegates believe that there should be a stop put to any attempt to secure "continental Sunday" legislation.

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## MAYOR STIRRED BY GAYNOR

WILL SIT AS A MAGISTRATE TO INVESTIGATE BINGHAM.

Apparently Displeased With Things—A Private Inquiry About Duffy's Arrests to Begin To-day—Justice Gaynor Says Mayors Are Not Above the Law.

Mayor McClellan has decided to sit as a magistrate to-day and begin an investigation of the charges made against Commissioner Bingham and his police-men by Justice Gaynor. After he has made his inquiry he will reply fully to the complaints made by Justice Gaynor. Justice Gaynor issued yesterday a supplementary statement in the course of which he said that "Mayors and Police Commissioners" are no more above the law than is any one else, and it was apparent at the City Hall yesterday that the Mayor did not like to be held responsible for the Duffy case. He sent this letter to Justice Gaynor:

I beg to acknowledge the receipt of your letter of May 29, 1909, which has just reached me.

The facts of the case of George B. Duffy of 237 Wyckoff street, Brooklyn, are not personally known to me. I shall give the matter my personal attention and advise you of my findings.

Usually when a charge is made against the head of a department the custom of the Mayor is to refer that charge to the Commissioner inolved with a demand for a report. In this instance the Mayor has decided to handle the case himself.

He sent directions yesterday to Police Headquarters to have the policemen who were concerned in the arrests of Duffy appear before him this morning in the City Hall. These men are to be interrogated under oath, and after they have been heard Duffy will be examined if he can be found. Instructions have been given by the Mayor to have the young man brought to the City Hall.

This magisterial inquiry is to be conducted in private. The Mayor will have with him Assistant Corporation Counsel W. B. Crowell, his legal adviser, and Justice Hoyt of the Court of Special Sessions, Mr. Crowell's predecessor.

Commissioner Bingham did not call upon the Mayor yesterday. Had he done so his reception, according to reports which were heard yesterday in the City Hall, would have been cool. The reports added that the Mayor is annoyed at the way Gen. Bingham has acted in the Duffy matter and that it is his opinion that if the Commissioner had handled the case with "intelligence and discretion," as the report put it, the Mayor would not have been subjected to such a "fulmination" as he has been subjected to.

The friends of Mayor McClellan in the City Hall are inclined to blame Commissioner Bingham not only for the criticism which Judge Gaynor has made of the administration of the Police Department, but they assert also that it was Commissioner Bingham who was responsible for the popular notion that Coney Island was going to be closed up after the Mayor's proclamation on the subject.

Every once in a while reports have been published that the Mayor was dissatisfied with Gen. Bingham and the Mayor has denied it, but there were no denials yesterday.

There were a lot of detectives calling at Police Headquarters yesterday, and as soon as they came they were ushered into the office of Commissioner Bingham's secretary. Some of them, it was said, found their way into the office of the Commissioner himself, where they told what they knew of the case of George B. Duffy.

Gen. Bingham handed out a typewritten statement going over the ground of his statement published in "The Sun" yesterday and making a point of the fact that Justice Gaynor has made in writing to shoulder the responsibility for the removal of Duffy's portrait from the rogues' gallery, but desired Gen. Bingham to assume the responsibility. The statement said in conclusion:

"I have nothing to say in reference to Judge Gaynor's letter other than is contained in the complete correspondence between him and myself given out last night."

"Gaynor's pride is hurt because I am not asked by a request from him affecting my public duty and he is angry because he cannot build me up."

Justice Gaynor made another statement in which he said:

"Not only has this boy never been convicted of any crime, which is a prerequisite by law to his being put in the rogues' gallery, but they are unable to even make a charge against him in a police court. But this boy's case is only that of thousands and thousands. The despotism and lawlessness of the Police Commissioner is shocking to every American who knows what free government means and what it costs in property and blood for our ancestors to acquire it. Russian methods will not be further tolerated here. They have been so long practiced that we are losing all sense of dignity of free men and becoming debased. Mayors and Police Commissioners are no more above the law than is any one else. The law carefully prescribes and sets limits to the powers of public officers and the first thing of all is for them to obey the law and keep within such limits. Officials under a free government cannot do as they please."

This is a government of laws and not of men, and an official who sets himself up above the law is more dangerous to the perpetuity of our institutions and to the public order and happiness than the worst criminal. Suppose all public officials from the President down should kick aside the restraints put on them by law and do as they please, do you not see that they are despots? Ours is a government of carefully limited powers to every official. The contrary is despotism. Despotism is that officials do as they please instead of only as the law limits their conduct and conduct and powers. It is a bad thing to see a great and intelligent city in the rulership of persons who think they have us all by the back of the neck."

Senator McCarran has taken sides with Justice Gaynor in his denunciation of the "mugging" of unconvicted prisoners and keeping their pictures in the rogues' gallery after their acquittal.

"I talked myself hoarse," he said, "on the floor of the Senate against this outrage at the time the bill which is now a law was under discussion."

PATENTS, TRADE MARKS, ETC.

Office of the Commissioner of Patents and Trademarks, U. S. Department of Commerce, 501 Broadway, N. Y.—Ad.

## COLLEGE GIRLS SEARCHED.

Stories of Theft at Adelphi and the Strange Flight of a Watched Purse.

There was considerable discussion among the girls of Adelphi College in Brooklyn yesterday regarding the searching of several young women in an attempt to discover who was responsible for a number of petty thefts in the institution recently. When it became known to the authorities of the college that small sums of money were disappearing from the pocketbooks of the pupils it was decided to try to apprehend the thief by a trick.

According to the stories which some of the girls have told on Tuesday afternoon a marked \$1 bill was placed on a table in a room where several girls were gathered. One of the teachers, it is said, kept watch on the little crowd from the next room. This teacher withdrew her scrutiny for a moment, so runs the report, and the next time she looked the pocketbook was gone.

Some of the pupils said yesterday that there was one girl particularly whom the authorities were watching, and that this girl was immediately called into the office of the president and was searched. The marked bill was not found in her possession. Then the other young women were summoned, according to the reports, and were put through a similar examination, with no successful result. All of these girls were searched by two women teachers who were the only ones in the room besides themselves.

President Charles H. Levermore refused to discuss the matter.

MADDO PROPOSAL APPROVED.

Board of Estimate Likely to Grant Forty-second Street Extension.

The special committee appointed by the Board of Estimate to report on the Maddo extension to the Grand Central Station, decided yesterday to recommend the granting of the franchise. This report will be made at to-morrow's meeting of the board. Comptroller Metz and President McGowan of the Board of Aldermen, two of the members of the committee, said that there was no doubt that the twelve votes needed to approve of the franchise would be forthcoming.

The committee reached its decision after another public hearing yesterday. At this hearing the objection that the Maddo tunnel would prevent the running of the Steinway tunnel under Forty-second street to the west side of the city were repeated. General Manager Hadley of the Interborough company contended that the assurance given by the Public Service Commission that the Maddo lines would not encroach beyond the centre line of Forty-second street was nothing more than a paper assurance and that there was nothing in the contract as prepared to prevent the Maddo company from occupying the street to such extent as to shut out other lines. Despite these objections the committee decided to report favorably.

CAIR AND KAISER TO MEET.

In the Baltic Off Finland—Surprise for Kaiser—Who Proposed It?

Special Cable Despatches to THE SUN.

ST. PETERSBURG, June 2.—The Kaiser and the Czar will meet in the waters off Finland in the middle of June. The Czar will be accompanied by Foreign Minister Isvolsky and the Kaiser by Chancellor von Bismarck. Other Russian and German Ministers will also be of the party.

The announcement has caused surprise, as such a meeting had not before been hinted at. Political speculation is very keen regarding the cause of the meeting and great importance is attached to it.

The newspapers state that the Kaiser proposed the visit and that the Czar advanced the date of his arranged cruise to meet the Kaiser's wish.

BERLIN, June 2.—It is semi-officially announced that the Czar invited the Kaiser to meet him in the northern Baltic and that the Kaiser consented.

M. H. DE YOUNG IN A SMASH.

His Trip to the Theatre in a Brougham Interrupted by an Automobile.

Michael H. De Young, owner of the San Francisco Chronicle, Mrs. De Young and their daughter Florence were in a brougham which collided last night with an automobile owned by Jacob Loewer of 183 West Eighty-seventh street, brewer. Both brougham and automobile were slightly damaged.

The automobile, driven by Frank Stires of 107 West Eighty-fourth street, was returning uptown after Stires had taken Mr. Loewer to the theatre. As it turned from Seventh avenue into Fifth street it struck the brougham. The De Youngs also were thereabout.

The driver of the carriage, William Lodmore of 122 First avenue, was thrown from his seat and bruised about the head. An ambulance surgeon fixed him up and he left for his stable.

Mr. and Mrs. De Young and their daughter, none of whom was hurt, climbed into a passing taxicab and went on to the show, leaving the chauffeur to struggle with the damaged machine.

HANGINGS IN ADANA.

Nine Mohammedans and Six Armenians Executed Because of Massacres.

Special Cable Despatch to THE SUN.

CONSTANTINOPLE, June 2.—Nine Mohammedans and six Armenians at Adana have been hanged and six Mohammedans condemned to penal servitude for taking part in the massacres there.

RELATIVES PREFERRED.

Wherefore Clock Manufacturers Can't Get a Discharge From Bankruptcy.

Judge Hough denied a discharge from bankruptcy to Hirschfeld & Asch, clock manufacturers at 85 Eighth street.

"It appears to me," says Judge Hough, "that the conclusion is irresistible that these partners sold their clock assets with intent to enable themselves not only to prefer their relatives who happened to be their creditors, but to hinder, delay and defraud the body of the creditors. And it is further entirely evident that the scheme was in a large degree successful."

Sherman Takes a Summer Home.

DETROIT, June 2.—Vice-President James Sherman has rented the Thurman cottage at Ne-Ah-Ta-Wanta, on the shore of Grand Traverse Bay, and will spend the summer there with his family.

FOOTSTOCK TROUBLE (See Herald's Ad.)

Ad. Footstock TROUBLE (See Herald's Ad.)

## BALLOONS TO PROTECT COAST

FIRST GREAT STEP TOWARD THEIR USE IN WARFARE.

War Department Plans the Erection of Balloon Houses Along the Atlantic Coast, Which Is to Be Divided Into Zones, With Airships in Each Zone.

WASHINGTON, June 2.—Secretary of War Dickinson to-day issued instructions to the chief signal officer of the army, under whose control is all of the army's aeronautical work, to have prepared for future use a comprehensive plan for the protection of the entire Atlantic coast by dirigible balloons and other air craft. This is the first great step toward the use of balloons in warfare by the United States Government and was in a measure the outcome of the remarkable performance of Count Zeppelin a few days ago, when the German aviator demonstrated the possibilities of aerial navigation. The work of making the plan has been turned over to Major George O. Squiers of the Signal Corps, one of the army's foremost aeronautical experts and a man of wide experience with balloons and aeroplanes.

So far the plan is tentative and will probably not be outlined for several weeks. The scheme involves the establishment of balloon houses all along the Atlantic coast from Maine to Florida. These stations, according to the preliminary ideas of the experts, will be about 250 miles apart, this being considered a safe limit of endurance for the airships of the present day. At each station there will be groups of two and possibly three of these balloon houses, so that if an airship from one station makes its way to another there will be a place for storing and taking care of it. The coast will be divided into zones and airships will be assigned to each zone. The zone will extend a specified distance seaward from each station. The experts do not know how many airships will be necessary to protect the coast in a satisfactory way.

It is not the present intention to use airships as fighting craft and the plan does not contemplate the development of strategic tactics for conflict. The idea is that the most efficient and useful work of the airship is to go scouting at sea, flying back to shore to give the alarm when a fleet of the enemy is sighted. Should the enemy send up airships from the ships the land batteries will be supposed to take care of them. The balloon stations will be placed as near the coast as possible. The Coast Artillery as is deemed practicable.

The decision to have an aerial fleet means a large expenditure of money and the recruiting, training and maintenance of a large aerial corps. The War Department realizes that aerial work is of the greatest importance. Congress, however, has been somewhat backward about providing money, but in view of the wonderful accomplishments abroad it is believed that at the next session Congress will make ample provision for the purchase of air craft.

The type of balloon to be used for coast defence has not been decided upon, but it will be of the most approved pattern, probably modelled after the best European dirigibles, which have had the greatest success so far, and will be more than 200 feet long. Aeroplanes probably will not be used, as the winds of the coast will make their work uncertain and unsatisfactory as compared with that of the lighter air craft.

In the course of time plans will be drawn for the defence of all of this country's coast line, but the beginning of the work will be at the Atlantic coast. The balloon houses will be of the highest type, similar to a house at Fort Omaha. The work of the Signal Corps' aeronautical experts at Fort Omaha will be continued and before long what is expected to be the finest aerial station in the world will have been finished at that military post.

MILITIA OUT FOR STRIKE.

Governor of California Sends Protection to Lumber Mill Town.

SACRAMENTO, June 2.—Gov. Gillett to-day ordered five companies of militia to McCleod, where striking lumbermen have been making trouble.

The order was issued on the report of Col. Bradburn that McCleod is at the mercy of the strikers, who this afternoon compelled the shutting down of the power house and car shops. This leaves the village in darkness to-night, with \$2,000,000 worth of property unprotected.

EX-WIFE SUES E. G. SNOW, JR.

She Wants to Make Sure He'll Pay \$4,000 a Year to Support Their Children.

Mrs. Fannie De Boet applied yesterday to Justice Guy of the Supreme Court for an order directing her former husband, Elbridge Gerry Snow, Jr., to furnish security for the payment of \$4,000 a year for the support of their children.

Mrs. De Boet said that Mr. De Boet, said that upon Snow's failure to give the security a receiver should be appointed to take charge of so much of Snow's property as would produce the \$4,000 allowance. Mr. Elkus added that Snow was about \$1,000 in arrears. Joseph Rowan, counsel for Snow, denied this and said that Snow was entitled to a credit of \$1,000 for money that he had paid in advance.

Mrs. Snow got an absolute divorce several years ago and shortly afterward married Mr. De Boet. The allowance first fixed by the court for the Snow children was \$3,000 a year, but the Appellate Division recently reduced it at Snow's instance.

Justice Guy reserved decision.

DR. CLEMENSON HELD.

Coroner's Physician Finds That When Death Was Due to Poison.

CHICAGO, June 2.—Dr. Haldane Clemenson was arraigned late today on the charge of murdering his wife. He was held without bail and "without prejudice" and the preliminary hearing was continued until June 8.

Police Sergeant Kane told of the finding of Mrs. Clemenson's body and of the conflicting stories told by the doctor.

Dr. E. R. Le Count to-night reported to Coroner Hoffman that a clinical analysis of Mrs. Clemenson's stomach revealed that morphine had caused her death.

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## SHIP HELD UP BY GHOSTS.

Crew of the Monocle, Bound for New York, Desert Her at Palermo.

Special Cable Despatch to THE SUN.

ROMA, June 2.—The Italian steamer Monocle, bound for New York with a cargo of pumice stone, has been held up at Palermo by ghosts.

On the arrival of the steamer at Palermo from the Lipari Isles the crew refused to continue the voyage because ghosts were making a devilish row in the hold and they believed the disturbance preannounced shipwreck.

The police searched the vessel, expecting to discover that members of the Mafia had stowed themselves away on board hoping to escape to America, but they found nothing.

As soon as the police left the steamer the ghosts became livelier than ever. The crew left her and refuse to reembarc. Other hands cannot be obtained.

U. S. MUST PAY AUTO LICENSE.

Secretary Keogh Decides That It Is a Fee and Not a State Tax.

ALBANY, June 2.—Secretary of State Samuel B. Koenig has decided an interesting point raised by Major H. P. Brewer of the quartermaster's department, United States Army, New York city. The question was whether the United States Government should pay the State of New York \$3 for a license for an automobile used by the quartermaster's department.

Secretary Koenig holds that the fee of \$3 exacted by the State from owners of machines is not really a tax, but merely a license. In other words the State is giving the Government something for identification purposes and therefore the fee of \$3 is merely incidental and not in any sense a tax.

In his letter to Secretary Koenig Major Brewer says the request for the registration of the machine owned by the Government is not accompanied by the usual fee for the reason that the auditor for the War Department at Washington recently held in a similar case that the payment of such a fee by the Federal Government is illegal, the same being a State tax and not properly chargeable against the United States.

LIMIT FOR DIRT BEATERS.

Contractors Who Bought and Paid Not Get a Year Each and Fines.

Joseph Fuchs and Edward H. Strauss, who were convicted last Thursday in Special